

generating a receipt that contains information related to the at least one fractional lottery ticket.

62. A method for use at a point-of-sale terminal, comprising:
calculating a change amount for a customer during a merchandise transaction;
allowing the customer to purchase at least one fractional lottery ticket based on the change amount;
receiving a request to purchase one or more fractional lottery tickets in exchange for the change amount; and
printing lottery ticket information on a receipt if the request to purchase the one or more fractional lottery tickets in exchange for the change amount is received.

IN THE ABSTRACT:

Please AMEND Applicants' abstract as indicated below:

1. Page 51, line 14, after "needed.", insert -- In at least one embodiment, a method is provided for performing a lottery ticket transaction at a point-of-sale terminal. The method includes the steps of (1) calculating a change amount of a merchandise transaction; (2) receiving a request to purchase a lottery ticket in exchange for the change amount; (3) transmitting a request for a lottery ticket, the request including the change amount; (4) receiving lottery ticket information that is based on the change amount; and (5) printing the lottery ticket information on a receipt if the request to purchase a lottery ticket in exchange for the change amount is received, the lottery ticket information including a plurality of lottery numbers. Numerous other embodiments are also provided. --

REMARKS

Claims 52-55, 58 and 59 were pending in the present application. Upon entry of this amendment, which is respectfully requested for the reasons set forth below, claims 52-55 and 58-62 will be pending. Claims 52, 55, 58 and 60-62 are independent.

Applicants' response to the objections and rejections made in the February 17, 2000 Office Action are presented below.

37 C.F.R. 1.83(a) Objection to Applicants' Drawings

The Examiner has objected to Applicants' drawings under 37 C.F.R. 1.83(a) for failing to "show every feature of the invention specified in the claims." Specifically, the Examiner has stated that "all of the device-apparatus elements and process steps in the independent claims must be shown or else canceled from the claims." While Applicants respectfully disagree with the Examiner's objection to Applicants' drawings, to expedite allowance of the present application, Applicants have added new FIG. 13 which illustrates an exemplary process by which a customer may purchase one or more lottery tickets instead of receiving change during a

merchandise transaction. Both a red ink and a black ink copy of FIG. 13 are attached. Applicants' specification also has been amended to describe FIG. 13. For the reasons set forth below, the addition of FIG. 13 and the accompanying amendment to Applicants' specification do not constitute new matter (see, for example, page 7, line 17 - page 8, line 4; page 22, lines 5-9; and page 32, lines 14-24 of Applicants' specification, as well as claims 38 and 47 as originally filed).

MPEP 608.01(b) Objection to Applicants' Abstract

The Examiner has objected to Applicants' abstract under MPEP 608.01(b) for failing to "include that which is new in the art to which the invention pertains." Applicants respectfully disagree with the Examiner's statement and believe that Applicants' abstract does include subject matter which is new in the art to which it pertains. However, to expedite allowance of the present application, Applicants have amended Applicants' abstract to include the statements:

In at least one embodiment, a method is provided for performing a lottery ticket transaction at a point-of-sale terminal. The method includes the steps of (1) calculating a change amount of a merchandise transaction; (2) receiving a request to purchase a lottery ticket in exchange for the change amount; (3) transmitting a request for a lottery ticket, the request including the change amount; (4) receiving lottery ticket information that is based on the change amount; and (5) printing the lottery ticket information on a receipt if the request to purchase a lottery ticket in exchange for the change amount is received, the lottery ticket information including a plurality of lottery numbers. Numerous other embodiments are also provided.

For the reasons set forth below, the amendment to Applicants' abstract does not constitute new matter (see, for example, page 7, line 17 - page 8, line 4; page 22, lines 5-9; and page 32, lines 14-24 of Applicants' specification, as well as claims 38 and 47 as originally filed).

37 C.F.R. 1.75(d)(1) and MPEP 608.01(o) Objection to Applicants' Specification

The Examiner has objected to Applicants' specification under 37 C.F.R. 1.75(d)(1) and MPEP 608.01(o) because the Examiner believes it fails "to provide proper antecedent basis for the claimed subject matter." Specifically, the Examiner has stated that Applicants' detailed description does not provide antecedent basis for the claimed steps of "calculating a change amount of a merchandise transaction (not including the lottery bought), providing a prompt (to the customer) for a lottery ticket purchase in exchange for the change amount, and receiving a request (from the customer) to purchase a lottery ticket in exchange for the change amount." Applicants respectfully disagree with the Examiner's statement that Applicants' specification fails "to provide proper antecedent basis for the claimed subject matter" and respectfully submit that Applicants' specification provides clear antecedent basis for the claimed subject matter (see, for example, the discussion that follows with regard to the Examiner's 35 USC 112 rejection). However, to expedite allowance of the present application, Applicants' have deleted

(without prejudice) the step of “providing a prompt for a lottery ticket in exchange for the change amount” from claim 52 and claim 58, and have deleted the program instructions from claim 55 that “provide a prompt for a lottery ticket in exchange for the change amount”. Applicants will pursue these claims (as written prior to amendment herein) in a continuing application.

With regard to “calculating a change amount of a merchandise transaction (not including the lottery bought)” and “receiving a request (from the customer) to purchase a lottery ticket in exchange for the change amount”, Applicants respectfully submit that (1) Applicants’ specification, as filed, provides clear antecedent basis for the claimed subject matter (see, for example, the discussion that follows with regard to the Examiner’s 35 USC 112 rejection); and (2) Applicants’ specification, as amended to include new FIG. 13 and its accompanying description, provides clear antecedent basis for the claimed subject matter. FIG. 13 and its accompanying description do not constitute new matter (as described below). Accordingly, Applicants’ respectfully request that the Examiner withdraw his objection to Applicants’ specification under 37 CFR 1.75(d)(1) and MPEP 608.01(o).

35 U.S.C. 112 Rejection of Applicants’ Specification

The Examiner has objected to Applicants specification under 35 U.S.C. 112, first paragraph, because the Examiner believes that it fails “to disclose the invention.” Specifically, the Examiner has stated that Applicants’ claims as amended “contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.” The Examiner further states that Applicants specification does not provide support for the steps of “calculating a change amount of a merchandise transaction (not including the lottery bought), providing a prompt (to the customer) for a lottery ticket purchase in exchange for the change amount, and receiving a request (from the customer) to purchase a lottery ticket in exchange for the change amount.”

Applicants respectfully disagree with the Examiner’s statement that Applicants’ specification fails “to disclose the invention” and respectfully submit that Applicants’ specification clearly discloses Applicants’ invention (as described below). However, to expedite allowance of the present application, Applicants’ have deleted (without prejudice) the step of “providing a prompt for a lottery ticket in exchange for the change amount” from claim 52 and claim 58, and have deleted the program instructions from claim 55 that “provide a prompt for a lottery ticket in exchange for the change amount”. Applicants will pursue these claims (as written prior to amendment herein) in a continuing application.

With regard to “calculating a change amount of a merchandise transaction (not including the lottery bought)” and “receiving a request (from the customer) to purchase a lottery ticket in exchange for the change amount”, Applicants respectfully refer the Examiner to page 7, line 17 - page 8, line 4 of Applicants’ specification which state:

In accordance with another embodiment of the present invention, lottery players may purchase fractional lottery tickets at the POS terminal. Any fraction or percentage of a full lottery ticket can be requested by the customer (i.e. one to ninety-nine percent). The customer is not limited to any preset or fixed fractions. *This is advantageous for customers who are making other merchandise transactions and who do not wish to receive change (coins totaling less than a dollar). Instead of receiving a handful of change, the customer can request his change be used for purchasing a fractional lottery ticket. In this embodiment, the lottery player would only receive a fraction of a winning prize based on the fraction of the lottery ticket purchased.*

The Examiner is also respectfully referred to page 22, lines 5-9 of Applicants' specification which state:

For example, a customer due sixty-eight cents in change, from a merchandise purchase could elect to buy a lottery ticket for sixty-eight cents which is worth 68% of a \$1 ticket and which pays-out sixty-eight percent of the \$1 payout.

The Examiner is further respectfully referred to page 32, lines 14-24 of Applicants' specification which state:

The dual utility of the sales equipment makes the invention cost-effective for merchants. The systems and methods provided permit speedy and efficient purchasing of lottery tickets while making routine purchases of other goods, thus encouraging impulse purchasing of lottery tickets without delaying the regular flow of the point-of-sale checkout line. Further, the invention enables the quick and efficient sale of fractional lottery tickets with what would otherwise be customer change, again encouraging impulse purchases, thereby increasing the market for lottery tickets.

In addition to Applicants' specification, Applicants respectfully direct the Examiner's attention to claims 38 and 47 which were present in the application as originally filed, but which were cancelled without prejudice via the April 7, 1998 Preliminary Amendment. Original claims 38 and 47 are listed below. Note that MPEP 2163.06 states that "[t]he claims as filed in the original specification are part of the disclosure and therefore, if an application as originally filed contains a claim disclosing material not disclosed in the remainder of the specification, the applicant may amend the specification to include the claimed subject matter."

38. A method of purchasing a lottery ticket comprising:
requesting the purchase of an item of merchandise;
tendering an amount of money for the purchase, in excess of the purchase price;

directing that the amount of money for the purchase in excess of the purchase price be applied to the purchase of a fractional value lottery ticket; and
receiving a recording medium constituting the fractional value lottery ticket and containing information concerning the purchase of the item of merchandise.

47. A transaction processing system, comprising:
a POS terminal adapted to perform lottery ticket transactions and merchandise transactions;
an input device associated with said POS terminal for inputting information to said POS terminal related to at least one item to be purchased and an amount of money tendered to pay for the item;
said POS terminal adapted to calculate an amount of change based on the amount of money tendered to pay for the item;
said input device including an actuatable member for causing said POS terminal to perform a lottery ticket transaction by applying the amount of change toward purchase of an amount of lottery tickets equal in value to the calculated amount of change; and
said POS terminal including a recorder for recording on a recording medium the merchandise transaction and the amount of lottery tickets purchased with the calculated amount of change.

Based at least on the above disclosure, Applicants respectfully submit that Applicants' specification and claims, as filed, clearly convey that "the inventor(s), at the time the application was filed, had possession of the claimed invention." Namely, Applicants' specification and as filed claims clearly convey that the Applicants had in their possession, the steps of "calculating a change amount of a merchandise transaction" and "receiving a request to purchase a lottery ticket in exchange for the change amount". Accordingly, Applicants respectfully request that the Examiner withdraw his objection to Applicants' specification under 35 U.S.C. 112, first paragraph. Applicants also respectfully submit that, based at least on the above disclosure, the addition of new FIG. 13 and its accompanying description, and the amendment to Applicants' abstract, do not constitute new matter.

35 U.S.C. 132 Objection to Amendment Filed November 17, 1999

The Examiner has objected to Applicants' amendment filed on November 17, 1999 under 35 U.S.C. 132 because the Examiner believes "it introduces new matter into the specification." Specifically, the Examiner has objected to the amendments to claims 52, 55 and 58, and has stated that the "added material which is not supported by the original disclosure" includes the steps of "calculating a change amount of a merchandise transaction (not including the lottery bought), providing a prompt (to the customer) for a lottery ticket purchase in exchange for the change amount, and receiving a request (from the customer) to purchase a lottery ticket in exchange for the change amount."

Applicants respectfully disagree with the Examiner's statement that Applicants' amendment filed November 17, 1999 introduces new matter into Applicants' specification. However, to

expedite allowance of the present application, Applicants' have deleted (without prejudice) the step of "providing a prompt for a lottery ticket in exchange for the change amount" from claim 52 and claim 58, and have deleted the program instructions from claim 55 that "provide a prompt for a lottery ticket in exchange for the change amount". Applicants will pursue these claims (as written prior to amendment herein) in a continuing application.

With regard to "calculating a change amount of a merchandise transaction (not including the lottery bought)" and "receiving a request (from the customer) to purchase a lottery ticket in exchange for the change amount", Applicants respectfully submit that, based at least on the above-described portions of Applicants' specification and as filed claims, Applicants' original disclosure clearly contains support and enablement for the steps of "calculating a change amount of a merchandise transaction" and "receiving a request to purchase a lottery ticket in exchange for the change amount", and that Applicants' amendments to claims 52, 55 and 58 in the Amendment filed November 17, 1999 do not constitute new matter. Accordingly, Applicants respectfully request that the Examiner withdraw his objection to the amendment filed November 17, 1999 under 35 U.S.C. 132.

35 U.S.C. 112 Rejection of Claims 52-55, 58 and 59

The Examiner has rejected claims 52-55, 58 and 59 under 35 U.S.C. 112, first paragraph, because the Examiner believes that the claims "contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention." As described above, Applicants' specification and as filed claims clearly convey that Applicants had the subject matter of amended claims 52-55, 58 and 59 in their possession at the time the present application was filed. Accordingly, Applicants respectfully request that the Examiner withdraw his rejection of claims 52-55, 58 and 59, as amended, under 35 U.S.C. 112, first paragraph.

Remarks Regarding New Claims 60-62

New claims 60-62 contain limitations that are similar to one or more of the limitations of claims 52-55, 58 and 59. Accordingly, Applicants respectfully submit that claims 60-62 are allowable over the prior art of record.

Conclusion

For the foregoing reasons it is submitted that all of the claims are now in condition for allowance and the Examiner's early re-examination and reconsideration are respectfully requested. Alternatively, if there remains any question regarding the present application or any of the cited references, or if the Examiner has any further suggestions for expediting allowance of the present application, the Examiner is cordially requested to contact Brian M. Dugan at telephone number (203) 461-7121 or via electronic mail at Brian.Dugan@Walkerdigital.com.

If an extension of time is required, please grant a petition for that extension of time which is required to make this Response timely, and please charge any fee for such extension to Deposit Account No. 50-0271. A duplicate copy of this authorization is attached for such purpose.

August 24, 2000
Date

Respectfully submitted,



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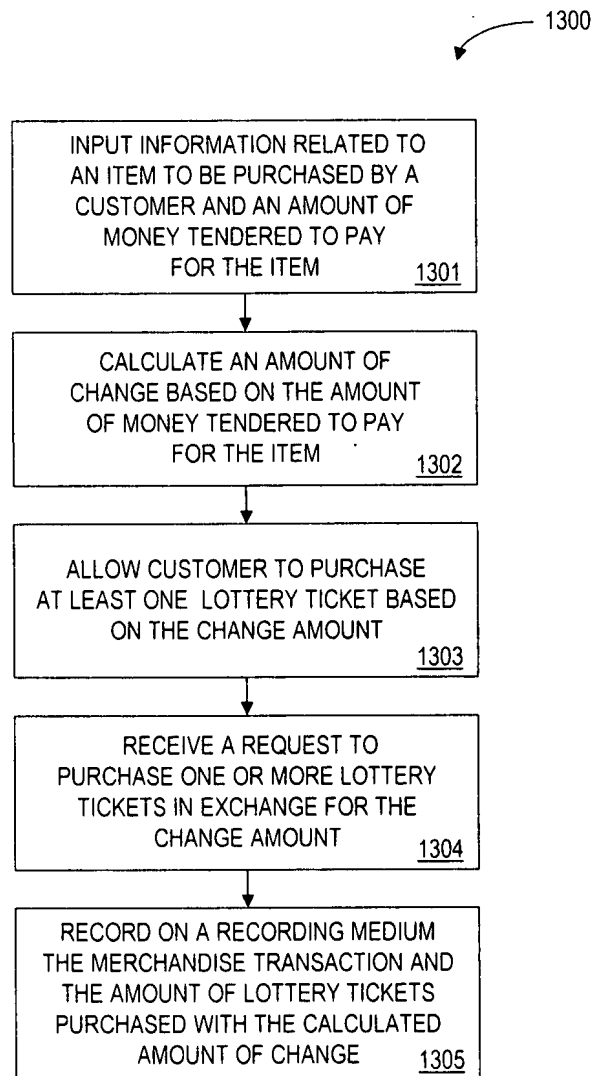


FIG. 13